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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/135,154	08/17/1998	T. ALLAN HAMILTON	CLB5-B73	8963
47713	7590	07/12/2006	EXAMINER	
SILICON EDGE LAW GROUP LLP 6601 KOLL CENTER PARKWAY, SUITE 245 PLEASANTON, CA 94566			ZIMMERMAN, BRIAN A	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/135,154

Applicant(s)

HAMILTON, T. ALLAN

Examiner

Brian A. Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Status of Application

In view of the Appeal Brief filed on 5/11/06 , PROSECUTION IS HEREBY REOPENED. A new Grounds of Rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 51-57 and 59 are rejected under 35 U.S.C. 102(a) as being anticipated by the admitted prior art (APA) as identified by the applicant's description of the IRDA specification.

Regarding claims 51,52,56 and 57 The APA discusses IRDA transceiver modules 10 and 12; figure 1 each includes a transceiver 14 or 16. The appliances 10, 12 operate in a stand by or sleep state where no emissions are transmitted by the transceiver element 14 (16). The applicant then states that the transceiver 14 simply is monitoring the environment for the discovery signal to wake up the appliance.

The claims require that a transceiver module, which reads on the appliance, has a low power mode and a high power mode and upon detecting the discovery signal, switches from the low power mode to the high power mode.

The two modes discussed by the applicant include a sleep mode with no transmissions and a wake mode with transmissions. It is the examiner's position

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that the sleep mode with no transmissions inherently is a lower power consumption mode because the device is not transmitting, just listening.

Regarding claim 59, the APA includes IR transceivers 14 and 16, each includes an IR transmitter 40 and an IR receiver 42, figure 3. As discussed by the applicant each transceiver includes means for full power operation before and after the discovery signal is received. Since full power operation is enabled after the discovery signal is received, the APA meets the claimed limitation. The applicant points to a discovery signal detector, a switch and a power supply to constitute the means in the claim. The power supply of figure 3 is equal to the power supply in the means plus function of claim 59. The APA includes a discovery signal detector that switches the device of figure 3 from a sleep mode to a wake mode, therefore the APA also includes a switch and a discovery signal detector as set forth in the means of claim 59.

Regarding claim 53, the APA disclosed shows a single transceiver 14 in the module 10.

Regarding claim 54, the APA discloses switching from a sleep mode with no transmissions to a wake mode with transmission capability in response to a discovery signal, therefore, a comparison/discover detection circuit is inherently included in the APA device.

Regarding claim 55, the device inherently draws more power through the power leads during the full power mode than the low power mode.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 58 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nykanen (5706110) in view of the admitted prior art (APA).

Nykanen shows a method for saving power in IR data transmitting systems. Regarding claim 60, the discussion above regarding claim 59 is incorporated herein.

Regarding claims 58 and 60, Nykanen teaches an IRDA transmission system in figure 2. Nykanen teaches that IRDA communication architecture uses a power saving method. During an idle period, the link on the transmission medium is powered down for a sleep mode. During the sleep mode, at least the parts of the station that are connected to the transmission medium are placed in a low power sleep mode. The stations are woken in response to an indication of activity of the physical layer. See col. 4 lines 1-15.

The APA teaches that the elements connected to the transmission medium are a transmitter and receiver (40 and 42). This provides bi-directional communication on the transmission medium as desired by the IRDA protocol. The APA also teaches that a discovery signal is an indication of activity on the physical layer, to tell the other transceiver that a signal is forthcoming.

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used the discovery signal of the APA to bring the transmitters and receivers of Nykanen from a low power mode to a high power mode to perform their respective transmitting and receiving functions since the transmitter and receiver are the elements used to connect the appliance to the transmission medium.

Response to the Declarations. The examiner's position remains unchanged regarding the declarations. The comments set forth in the Final Office Action are incorporated herein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A. Zimmerman whose telephone number is 571-272-3059. The examiner can normally be reached on 7 am to 4 pm E.S.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 571-272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Brian A Zimmerman
Primary Examiner
Art Unit 2612

BZ



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